

Remarks/Arguments

Please note the new address and phone number of the office of Applicant's attorney on the last page of this response and update your records accordingly. A change of address form was submitted over a year ago. In addition, please change the attorney docket number to REED1004. A change of attorney docket number was filed more than 16 months ago when the file was transferred to Applicant's current attorney. THIS IS A SECOND REQUEST. The first request was made in Applicant's Response to Office Action of April 26, 2004.

In response to the Office Action dated April 27, 2005, Applicant has amended the Specification to remove the hyperlink on page 1, lines 20-21. No other amendments have been made. Accordingly, claims 1-14 are presented for examination in the subject application.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,852,610 (hereinafter "Olaniyan"). Specifically, the Examiner argued that Olaniyan teaches a system that is capable of connecting to a plurality of broadcast stations.

Applicant respectfully disagrees. Olaniyan teaches a device that intercepts radio broadcasts and re-broadcasts same to the user via a telephone line. *See, e.g.*, FIG. 1, where "Pickup Unit A," reference numeral 15, and "Pickup Unit B," reference numeral 50, represent "listening devices" that intercept or "pick up" broadcasts from radio stations and retransmit the broadcasts to the "listening system" 18. Irrespective of the legality of such a system, Olaniyan teaches away from connecting a user to any broadcast station. It is evident that the Olaniyan system purposely avoids asking permission from the radio stations to rebroadcast their programs (hence the "listening devices"). As such, the Olaniyan device cannot and will not connect a user to any radio station.

In contrast, the present invention discloses a system that seeks out broadcast stations to become members of the system. Only registered member stations have the privilege to transmit their broadcast to a user via the system. *See, e.g., pg. 4, lines 27-28 ("radio stations registered with the system")*. In other words, the radio stations whose broadcasts are transmitted via the system are aware of such transmission, which makes connecting a user to the stations possible and legal.

Applicant believes that the present claims as presented sufficiently recite the above-described "connection" as used in the present application, as it is long established that an Applicant can be his or her own lexicographer. It is clear that the word "connection" means something entirely different in the present application than what the Olaniyan device may be capable. However, should the Examiner feel more clarity is required, Applicant is willing to consent to amending the claims, without acquiescing in the Examiner's reasons for rejection and without prejudice to pursue in this or another application, as follows:

Claim 1. A method of providing a broadcast of a station over a telephone, comprising the steps of:

- placing a call from the telephone;
- telephonically accessing a system capable of connecting to a plurality of broadcast stations registered with the system;
- requesting to receive the broadcast of the station;
- connecting the call to the station; and
- transmitting the broadcast of the station via the telephone.

As such, Applicant respectfully submits that the rejections under 35 U.S.C. § 102(b) have been traversed.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 12-14 under 35 U.S.C. §103(a) as allegedly being unpatentable over Olaniyan in view of U.S. Patent No. 6,804,510 (hereinafter "Bates") simply because Bates mentions the use of cellular phone in one of its passages.

First and foremost, because Olaniyan teaches away from the present invention as discussed above, it cannot be properly combined with Bates to create a system in accordance with the subject invention. Therefore, as a threshold matter, the rejection under 35 U.S.C. § 103(a) cannot stand.

Furthermore, Bates teaches finding and using existing alternate source of an audio broadcast signal in order to boost the audio reception, which is a non-analogous art. It has nothing to do with creating a system for transmitting audio broadcast via a telephone line.

Because all of the references cited in the Office Action teach away from the present invention, and further because there is no motivation or suggestion for a person of ordinary skill in the art to use the non-analogous teachings of Bates at the time of the present invention, it is respectfully submitted that all of the stated grounds of rejection have been properly overcome, and that the application is fully in condition for allowance. A notice to that effect is earnestly solicited.

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Amdt. Dated July 27, 2005
Reply to Office Action of April 27, 2005

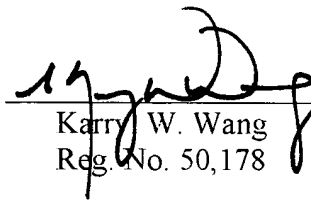
The Examiner is invited to telephone the undersigned representative if it is believed that an interview may be useful for any reason.

Respectfully submitted,

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